

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN and DEBORAH ALLISON;
JOHN ALLISON, JR. and BRENDA
MCCARRELL; MICHAEL and SHARON
ALLISON; STEPHAN and DONNA
CLARKE; GREENE TOWNSHIP, a
Municipal Corporation, RONALD HALL
a/k/a JAMES RONALD HALL; KENNETH
and TERRI HEINLEIN; PHILLIP and
BOBBIE JOHNSON; PHILLIP JOHNSON,
JR.; TERRY and
DIANE MOORE; TERRY and
KIMBERLY MOORE; RUSSELL and
LINDA MORGAN; MARK ONDRUSEK
and DONNA ZYGAROWSKI; KEVIN and
DEBORAH TAYLOR; DONALD and
DIANE ANDERSON, RICHARD and
KATHERINE MCELHANEY; and LOIS
DAVIE,

Plaintiffs/Counter-defendants,

v.

CHESAPEAKE ENERGY
CORPORATION, a Corporation,
CHESAPEAKE APPALACHIA, LLC, a
limited liability company, CHESAPEAKE
EXPLORATION, LLC, a limited liability
company; CHK UTICA, LLC, a limited
liability company, O&G INVESTMENT
HOLDINGS, LLC, a limited liability
company, and
RICHARD J. NIEDBALA,
Notary Public,
Defendants/Counter-plaintiffs

United States District Judge
David Stewart Cercone

United States Magistrate Judge Cynthia
Reed Eddy

2:12cv900
Electronic Filing

MEMORANDUM ORDER

On December 27, 2010, this case was removed from the Court of Common Pleas of Beaver County and assigned to United States Magistrate Judge Cynthia Reed Eddy in accordance with the new case assignment system now in place in this district, the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On January 29, 2013, the Magistrate Judge filed a Report and Recommendation (ECF No. 28) recommending that Plaintiffs' Motion to Remand (ECF No. 17) be granted, and the case be remanded to the Court of Common Pleas of Beaver County, and that Defendants' pending Motions to Dismiss (ECF Nos. 3, 5) should be denied as moot. The Report and Recommendation advised the parties that they had until February 15, 2013 to file written objections to the Report and Recommendation and that the failure to timely file Objections would constitute waiver of any appellate rights. No objections have been filed.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 28th day of February, 2013;

IT IS HEREBY ORDERED that Plaintiffs' Motion to Remand (ECF No. 17) is GRANTED and the case is remanded forthwith to the Court of Common Pleas of Beaver County forthwith.

IT IS FURTHER ORDERED that Defendants' Motions to Dismiss (ECF Nos. 3, 5) are DENIED as moot.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 29) is ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Michael B. Jones, Esquire
David B. Fawcett, III, Esquire
Liben Lucas, Esquire
Nicolle R. Snyder Bagnell, Esquire
Andrew G. Jenkins, Esquire
Kevin L. Colosimo, Esquire

(Via CM/ECF Electronic Mail)